

REMARKS

The Examiner has rejected the application on various bases. In response thereto, Applicant has amended the application so as to place same in *prima facie* condition for allowance at the present time.

At the outset, Applicant thanks the Examiner for his assistance rendered during the telephone interview of July 20, 2005. Applicant submits that the Examiner and the Applicant discussed the prior art of record, and, in particular, U.S. Pat. No. 4,314,380 issued to Miyata et al (the '380 patent); U.S. Pat. No. 4,106,219 issued to Schneider et al (the '219 patent); and U.S. Pat. No. 5,092,888 issued to Iwamoto et al (the '888 patent). Applicant submits that the claims have been amended along the lines discussed with the Examiner. During the interview, the Examiner and Applicant agreed that such amendments overcame the prior art of record.

With respect to the Office Action, the Examiner has rejected claim 6 under 35 U.S.C. §112, second paragraph based on the contention that "about" is indefinite. Applicant and the Examiner discussed this point and agreed that if the claim was amended to clarify that "about 10%" must be an amount sufficient to render the artificial bone opaque to an x-ray, thus, behaving much like a real bone to an x-ray, any rejection under 35 U.S.C. §112 would be overcome. Accordingly, Applicant submits that this rejection has been overcome.

The Examiner has rejected claims 1, 3 and 5-8 under 35 U.S.C. §103(a) based on the contention that they are unpatentable over the '219 patent in view of the '888 patent. The Examiner has rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over '219 in view of the '888 in further view of the '380 patent. The Examiner has rejected claim 4 under 35 U.S.C. §103 based on the contention that it is unpatentable over the '219 patent in view of the '888 patent and in further view of U.S. Pat. No. 6,471,519 issued to Biermann et al (the '519 patent).

The Examiner has rejected claims 9 through 12 under 35 U.S.C. §103(a) based on the contention that they are unpatentable over the '219 patent in view of the '888 patent in further view of U.S. Pat. No. 6,008,430 issued to White (the '430 patent). The Examiner has rejected claim 13 under 35 U.S.C. §103 based on the contention that it is unpatentable over the '219 patent in view of the '888 patent in further view of the '430 patent and in further view of the '380 patent. Applicant traverses the Examiner's rejection.

Applicant submits that claim 1 has been amended to specifically claim features of the suppression component, namely that the suppression component structurally limits dusting, chipping and cracking of the substrate material. Moreover, Applicant has amended the substrate such that it is clearly a molded polymer.

None of the references disclose such a suppression component. As an initial matter, Applicant submits, and the Examiner indicated agreement, that the teachings of the '219 patent and the teachings of the '888 patent are not combinable. In particular, the '219 patent is directed to an artificial bone which is used as a teaching aid. Quite distinctly, the '888 patent is directed to a particular composition of an artificial bone which is to be implanted into a living being. While realism is desirable with artificial bones utilized as teaching aids, the requirements of such a bone are quite different from those artificial bones that are implantable. For example, artificial bones which are to be implanted must address issues not common with teaching aids, namely, tissue rejection, differing forces, growth and attachment of supporting tissue, strength, longevity, etc. Such concerns are not relevant with respect to an artificial bone utilized as an aid. As such, there is no motivation to combine any teachings of the '219 patent with those of the '888 patent.

Even if the two references were combinable, Applicant submits that they would not teach the present invention. In particular, the collagen impregnation into the artificial bone of the '888

patent is done so as to improve artificial bone function when it is implanted into an individual. The underlying bone is of a substantially different composition than that of the '219 patent or the present invention. Moreover, the function of the collagen in the bone material disclosed in the '888 patent are quite different from the suppression component in the claimed substrate material. To be sure, the collagen is not a suppression component as specifically claimed in claim 1, as amended. As such, to the extent that the references are combinable, Applicant submits that the combination of the '219 patent with the '888 patent would not yield the present invention as claimed in claim 1, as amended. Thus, claim 1 should be allowable over the prior art of record.

Applicant has amended independent claim 9 along the same lines as claim 1, with respect to the suppression component and the substrate material. Accordingly, Applicant submits that this claim, as amended, distinguishes the present invention over the prior art, alone or in combination. As such claim 9 should be deemed allowable at the present time as well. Inasmuch as the remaining claims depend, ultimately from claim 1 or claim 9, Applicant submits that these claims should be deemed allowable at the present time as well.

In light of the foregoing, Applicant submits that claims 1 through 13 should be in condition for allowance at the present time. Therefore, reconsideration is respectfully solicited.

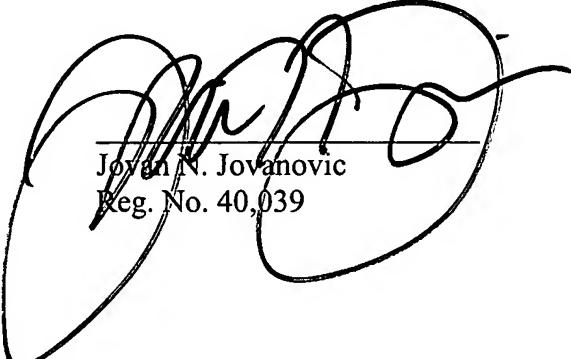
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Respectfully submitted,

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Dated:

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